

Enabler or Obstructionist? Law and Climate Change Adaptation Along the California Coast

Meg Caldwell

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(some) **Impacts**

- Sea Level Rise
- Erosion
- Flooding
- Inundation
- Salt Water Intrusion
- Wildfire
- Heat Waves
- Increased Storm Intensity
- Extreme Events
- Water Supply Disruptions



(some) **Adaptation Policies**

- Mitigation
- Emergency Preparedness
- Realignment
 - Rolling Easements
 - Long Term Planning
- “Hard” Engineering
 - Coastal Armoring
 - Redesign
- “Soft” Engineering
 - Beach Nourishment
 - Habitat Restoration
- Land Use Regulations
 - Setbacks
 - Zoning reform



Governance

Governance

Constitutional and Common Law

- Public Trust Doctrine
- Nuisance
- Prescription
- 5th Amendment Takings

Federal/State Framework (examples)

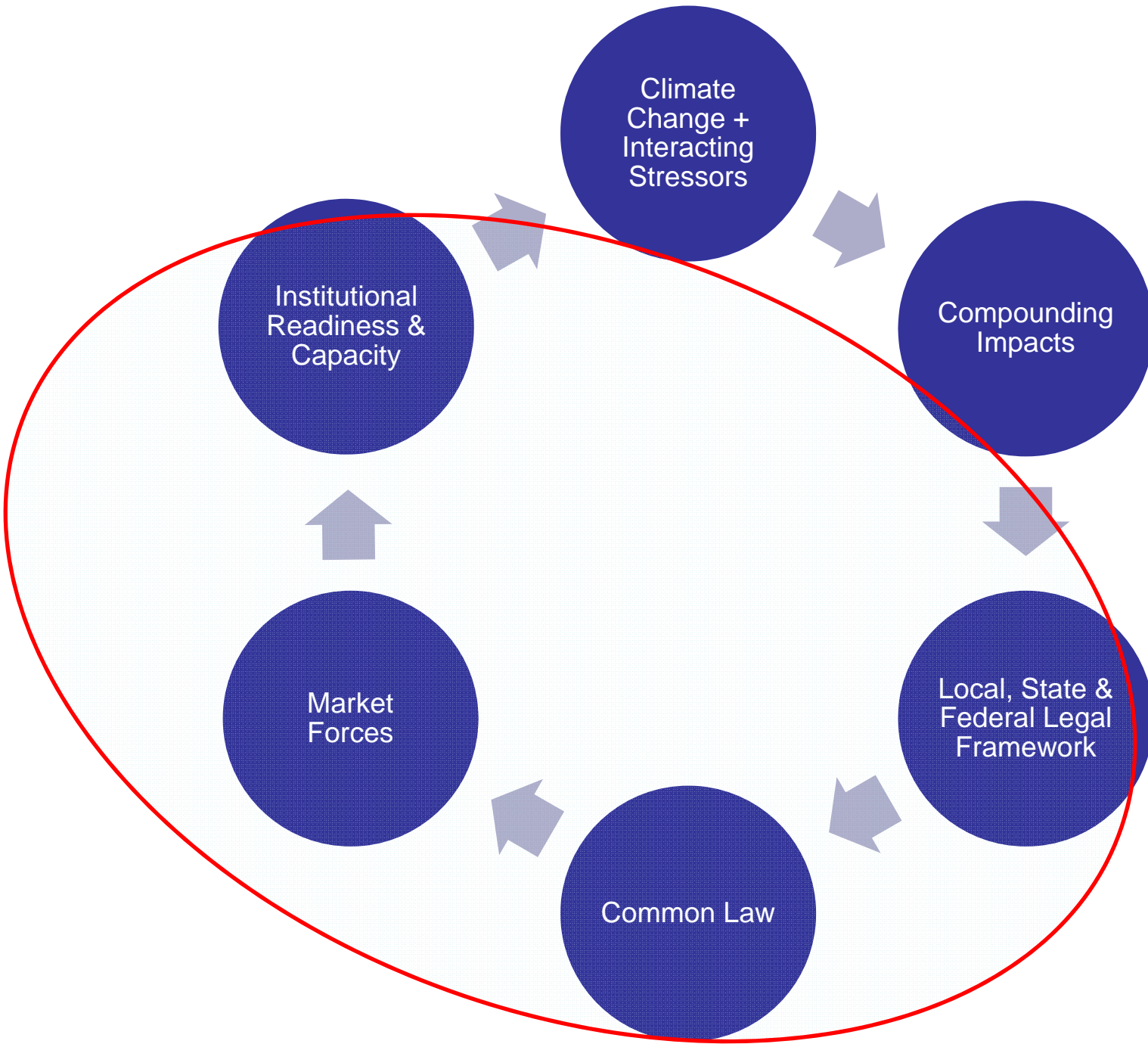
- Infrastructure Siting
- Zoning/Private Development
- Non-infrastructure Public Development
- California Coastal Act
- CZMA
- AB 32
- SB 375 (linking development to GHG emissions)
- CEQA
- Property Law

Market Incentives (examples)

- Private Insurance
- Government as Reinsurer & Insurer of Last Resort (NFIP)
- Government Role to Promote Adaptation by Market Creation
 - TDRs
 - Ecosystem Services

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Research Agenda: Promoting Robust Laws & Institutions

- Cultivate Responsive & Accountable Institutional Structures & Arrangements
- Provide Resources & Decision Support
- Train & Educate Decision-makers
- Do Legal/Policy Analysis
 - Legal/Institutional Gaps, Opportunities & Barriers
 - Standards & Mechanisms Informed by the Sciences
 - Learn from Analogues

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